THE MYSORE AGRICULTURAL PRODUCE MARKETS ACT, 1939.

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MYSORE ACT No. XVI OF 1939

THE MYSORE AGRICULTURAL PRODUCE MARKETS ACT, 1939.

(AS AMENDED BY ACT XXVI OF 1952.)

An Act to provide for the establishment and the better regulation of Agricultural Produce Markets in the [1][State of Mysore except Bellary District.]

(Received the assent of His Highness the Maharaja on the third day of July 1939.)

Preamble.

WHEREAS it is expedient to provide for the establishment of open markets for the purchase and sale of agricultural produce in the State and for the better regulation of such markets;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore Agricultural Produce Markets Act, 1939.

Extent and commencement.

2. (1) It extends to the [1][whole of the State of Mysore except Bellary District.]

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Agricultural produce" means any produce of agriculture or horticulture and includes all produce of animals and their hides, skins and wool, and any article of food or drink wholly or partially manufactured from agricultural produce and declared by the Government by notification in the official Gazette to be agricultural produce for the purposes of this Act;

[2][(*a-i*) "Chief Marketing Officer" means the Chief Marketing Officer appointed by the State Government;]

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1. See the Mysore Adaptation of Laws Order, 1958.
2. Inserted by Act XXVI of 1952.

(*b*) "market" means a market established under section 4;

(*c*) "producer" means a person who grows, manufactures, rears or produces, as the case may be, agricultural produce, but shall not include a trader or a broker in such produce even though he may also be producing it. If a question arises whether any person is a producer or not for the purposes of this Act, the decision of the Deputy Commissioner of the district in which the person permanently resides shall be final;

(*d*) "notified area" means an area notified under section 4;

(*e*) "prescribed" means prescribed by the rules or the bye-laws under this Act.

Notification regarding the establishment of an agricultural produce market.

4. (1) The Government may, after consulting the district board and such other local authorities as they deem necessary or upon a representation made by such local authorities, by notification in the official Gazette, declare that any place shall be a market established under this Act for any agricultural produce.

(2) Every such notification shall define the limits of the markets so established, and may, for the purposes of this Act, include within such limits such local area as the Government may prescribe.

The market committee.

5. For every market there shall be a market committee. The market committee shall be constituted as prescribed and shall consist of not less than twelve and not more than sixteen members. Of these, not less than half shall be producers of agricultural produce of such area and shall either be nominated by the Government or elected in such manner as the Government may prescribe, one shall be a member nominated by the Government, one shall be elected by the district board of the district in which the market for agricultural produce is situated, one by the municipality, if any, of the area in which the market is situated, and the remainder shall be elected by the traders in the market in such manner as may be prescribed.

It shall be the duty of the market committee to enforce the provisions of this Act and the rules and bye-laws made thereunder in the notified area, for the purpose of regulating the purchase and sale of agricultural produce.

6. (1) The Government may, either generally, or specially for any market or group of such markets, make rules consistent with this Act for the purpose of the management and regulation of such markets under this Act. Rules.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may provide for or regulate—

(i) the election and nomination of members of the market committee, the number of members to be nominated or elected and the manner of nomination or election, the preparation and revision of lists of voters from time to time, the payment of all expenditure in connection with or incidental to such nomination or election and the term of office of such members ;

(ii) the powers to be exercised by the market committee ;

(iii) the nomination or election of the chairman of such committee and his term of office ;

(iv) the filling of casual vacancies in the offices of members or in the office of the chairman of the committee ;

(v) the management of the market and the prescribing of the fees by the market committee, and, subject to the provisions of this Act, the collection and disposal of such fees ;

(vi) the issue by the market committee of licences to brokers, weighmen, measurers, surveyors and warehousemen and other persons using the market, the form in which and the conditions under which such licences shall be issued, and the fees to be charged for such licences ;

(vii) the place or places at which agricultural produce shall be weighed or measured and the kind and description of scales, weights and measures to be used at such place or places ;

(viii) the periodical inspection, verification and correction of all scales, weights and measures in use in the market ;

(ix) the trade allowances which may be made or received by any person in any transaction in an agricultural produce in a market ;

(x) the provision of any facilities for the settlement of any dispute between a buyer and a seller of any agricultural produce in the market or their agents including disputes regarding the quality or weight of the agricultural produce, the price or rate to be paid, the allowances for wrappings, dirt or impurities or deductions for any cause ;

(xi) the prohibition of brokers from acting on behalf of both the buyer and seller in any transaction ;

(xii) the manner in which the auctions shall be conducted and bids made and accepted in any market ;

(xiii) the provision of storage arrangements for agricultural produce brought into the market and charges to be levied for the same ;

(xiv) the preparation of the plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates ;

(xv) the form in which the accounts of the market committee shall be kept, the manner in which they shall be audited, and the time or times at which they shall be published as also the charges, if any, to be made for such audit ;

(xiv) the preparation of an annual budget and its submission for sanction, and reports and returns which shall be furnished by the market committee ;

(xvii) the disposal of any surplus funds of the market committee ;

(xviii) generally for the guidance of the market committee.

(3) Any such rules may, when necessary, provide that any contravention thereof or of any of the conditions of any licence issued thereunder shall, on conviction by a magistrate, be punishable with fine which may extend to five hundred rupees.

(4) All rules made under this section shall be subject to previous publication.

Bye-laws.

7. Subject to any rules made by the Government under the last preceding section and with the previous sanction

of [1][the Chief Marketing Officer], the market committee may, in respect of the market under its management, make bye-laws for the regulation of the business and the conditions of trading in such market and may provide that contravention thereof shall, on conviction by a magistrate, be punishable with fine which may extend to fifty rupees.

[2][**7-A.** (1) If it appears to the Chief Marketing Officer that an amendment of the bye-laws of the Market Committee is necessary or desirable in the interests of such Committee, he may call upon the Committee to make the amendment within such time as he may specify.

(2) If the Committee fails to make the amendment within the time specified by the Chief Marketing Officer, he may, after giving the Committee an opportunity of being heard, register such amendment and forward to the Committee in the prescribed manner a copy of the amendment together with a certificate signed by him which shall be conclusive evidence that the amendment has been registered; and such amendment shall thereupon be binding on the Committee and its members.

(3) An appeal shall lie to the State Government against any order of the Chief Marketing Officer passed under sub-section (2), within one month from the date of the communication by the Chief Marketing Officer, of the registration of the amendment.]

Sub-committees and joint committees and delegation of powers.

8. The market committee may appoint three or more of its members to be a sub-committee or to be a joint committee for the conduct of any work or works or to report on any matter or matters, and may delegate to any one or more of its members such of its own powers as may be necessary.

Appointments and salaries of servants of the market committee.

9. (1) Subject to such rules as may be made by the Government in this behalf, the market committee may employ such officers and servants as may be necessary for the management of the market and may pay such officers and servants such salaries as the committee thinks fit and shall have power to control and punish them.

1. Substituted by Act XXVI of 1952.
2. Inserted by Act XXVI of 1952.

The committee may, in the case of any officer or servant of the Government which it employs, pay such pension, contribution, gratuity or leave allowance as may be required by the regulations made by Government in this behalf and for the time being in force.

(2) The committee may also, in the case of any of its officers and servants, provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper ; and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The powers conferred by this section on the market committee shall be exercised, subject to any rules which may be made in this behalf by the Government.

Contracts how executed.

10. (1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the chairman and two other members of the market committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

The Market Committee Fund.

11. (1) All moneys received by a market committee shall be paid into a fund to be called the " Market Committee Fund " and all expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said Fund, and any surplus remaining after such expenditure has been met shall be invested as may be prescribed in the rules made in this behalf.

(2) Every market committee shall pay to the Government out of its Fund, the cost of any special or additional staff employed by the Government, in consultation with the committee, for giving effect to provisions of this Act, in the market concerned.

(3) The Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more than one market committee, apportion such cost among the committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any market committee shall be final.

Purpose for which the Market Committee Fund may be expended.

12. Subject to the provisions of section 11, the Market Committee Fund shall be expended for the following purposes only :—

(i) the maintenance and improvement of the market;

(ii) the construction and repair of buildings which are necessary for the purpose of such market and for the health, convenience and safety of the persons using it;

(iii) the pay, pensions, leave allowances, gratuities and pensions or provident fund contributions of the officers and servants employed by the market committee;

(iv) the expenses of and incidental to election;

(v) the acquisition of a site or sites for the market;

(vi) the provision and maintenance of standard weights and measures;

(vii) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans;

(viii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural crops concerned;

(ix) propaganda in favour of agricultural improvement and thrift; and

(x) with the previous sanction of the Government, any other purpose which is calculated to promote the general interest of the market.

No trade charges permissible except as prescribed by rules or bye-laws.

13. No trade allowance, other than an allowance prescribed by rules or bye-laws made under this Act, shall be made or received by any person in any transaction in the market established under this Act and no civil court shall in any suit or proceeding arising out of any transaction in any such market, have regard to any trade allowance not so prescribed.

Explanation.—Every deduction other than deductions on account of deviation from sample when the purchase is made by reference to a sample, or on account of deviation from standard when the purchase is made by reference to a known standard or on account of difference between the actual weight of the sacking or other container and the standard weight thereof, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

Market committee to be a body corporate.

14. Every market committee shall be a body corporate by the name of the " The Market Committee of .... " and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and do all other things necessary for the purposes for which it is established.

Power to borrow.

15. (1) Every market committee may, with the previous sanction of the Government, raise the money required for carrying out the purposes of this Act on the security of any property vested in and belonging to the market committee, and of any fees leviable by the market committee under this Act. The committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Government.

(2) The conditions under which such money shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of the Government.

Supersession of market committee.

16. (1) If in the opinion of the Government a market committee is not competent to perform or persistently makes default in the performance of the duties imposed on it by or under this Act, or exceeds or abuses its powers, the Government may, by an order published in the official Gazette, declare such market committee to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be and may supersede it :

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the market committee for showing cause against the proposal and shall consider the explanations and objections, if any, of the said committee.

(2) When a market committee has been superseded, all members of the committee shall as from the date of the order vacate their offices as members.

(3) When a market committee has been superseded, the Government may, at its discretion, by order, either constitute a new committee under section 5, or make such arrangements for the carrying out of the functions of the committee as the Government thinks fit.

(4) When a market committee has been superseded, all property and rights vested in it shall, subject to all charges and liabilities affecting the same, vest in the Government:

Provided that if the Government makes an order under sub-section (3), it shall transfer the assets and liabilities of the market committee as on the date of such transfer, to the new committee constituted under section 5 or to the person, or persons if any, appointed for carrying out the functions of the committee, as the case may be:

Provided further that if no new market committee is constituted for the market under section 5, all property that shall remain after the satisfaction of all the debts and liabilities of the superseded market committee shall be used by the Government for any object of public utility in the notified area.

No private market to be opened in or near places declared to be markets.

17. Wherever the Government has, by a notification under section 4, declared any place to be a market, no person shall, within the limits of such market or within a distance thereof to be notified in the official Gazette in this behalf in each case by the Government, except with the sanction in writing of the Government expressed over the signature of a Secretary to the Government and subject to such conditions as may be imposed in such sanction, set up, establish or continue or allow to be continued any market for the purpose of the purchase and sale of agricultural produce.

Explanation.—A person shall not be deemed to set up, establish or continue or allow to be continued a place as a market for the purpose of the purchase and sale of agricultural produce if he sells his own agricultural produce outside the premises set apart by the market committee for the purpose of purchase and sale of agricultural produce.

Penalties.

18. Whoever in contravention of this Act, sets up, establishes, continues or allows to be continued any market for the purpose of the purchase and sale of agricultural produce or violates the conditions under which he has been allowed to set up, establish or continue any such market, shall on conviction by a magistrate be punished with fine which may extend to rupees five hundred and in case of a continuing breach of the provisions of section 17, with fine which may extend to rupees one hundred for each day after the first, during which the breach continues.

Offences to be triable only by a first class magistrate.

19. (i) No offence under this Act or under any rules made under section 6 or under any bye-laws made under section 7 shall be triable by a magistrate other than a magistrate of the first class.

(ii) All fines and damages recovered from an offender shall be paid to the market committee.

(iii) Prosecution under this Act may be instituted by any person duly authorised in writing by the market committee or by an officer designated by the Government in this behalf.

Recovery of sums due to Government from market committee.

20. All sums due from a market committee to the Government may be recovered in the same manner as arrears of land revenue.